

# ***Town Board Minutes***

March 17, 2003

Meeting No. 11

A Regular Meeting of the Town Board of the Town of Lancaster, Erie County, New York, was held at the Town Hall at 21 Central Avenue, Lancaster, New York on the 17<sup>th</sup> day of March 2003 at 8:00 P.M. and there were

**PRESENT:** MARK MONTOUR, COUNCIL MEMBER  
RONALD RUFFINO, COUNCIL MEMBER  
DONNA STEMPIAK, COUNCIL MEMBER  
ROBERT GIZA, SUPERVISOR

**ABSENT:** RICHARD ZARBO, COUNCIL MEMBER

**ALSO PRESENT:** JOHANNA COLEMAN, TOWN CLERK  
ROBERT LABENSKI, TOWN ENGINEER  
RICHARD SHERWOOD, TOWN ATTORNEY  
GEORGE PEASE, ASSISTANT BUILDING INSPECTOR  
GARY STOLDT, CHIEF OF POLICE  
CHRISTINE FUSCO, ASSESSOR  
TERRENCE McCracken, GENERAL CREW CHIEF  
RICHARD REESE JR., HIGHWAY SUPERINTENDENT  
SUZANNE BLANK, CLERK TYPIST

## **PERSONS ADDRESSING TOWN BOARD:**

**Brett, James**, 659 Harris Hill Road, spoke to the Town Board on the following matters:

- Questions about the plans to extend the runway at Lancaster Airport and the plans at Buffalo-Niagara Airport for runway expansion.
- Questions about denial of annexation of property on Columbia Avenue to Village of Depew.
- Concerns about Town Police Officers who may be required to appear in Village of Lancaster Court.

**Bray, Shawn, P.E., Passero Associates**, responded to questions from Jim Brett regarding Buffalo-Lancaster Airport.

**Kubicki, Gloria**, 15 Maple Drive, spoke to the Town Board on the following matter:

- Suggests that the Town of Lancaster purchase land which is the subject of the Pleasant Meadows rezone petition in order to avoid future development issues.

**Symer, Donald**, 610 Columbia Avenue, spoke to the Town Board on the following matters:

- Questions about the resolution to memorialize U.S. Senators and House of Representatives regarding Local Aid and Economic Stimulus Act of 2003.
- Noted the Town of Amherst's request for support for sinking homes in that Town.

## **PUBLIC HEARING SCHEDULED FOR 8:30 P.M.:**

At 8:30 P.M., the Town Board held a Public Hearing to hear all interested persons upon a proposed amendment to the Zoning Map of the Town of Lancaster as petitioned by Marrano Marc Equity for Pleasant Meadows Subdivision.

The affidavits of publication of this Public Hearing are on file and a copy of the Legal Notice has been posted.

## **The following individuals presented an overview of project and responded to questions from the public and members of the Town Board:**

Jeff Palumbo, Attorney for Pleasant Meadows LLC  
Bill Tuyn, Pratt Huth Engineer for Petitioner  
Donald Owens, Earth Dimensions

## **PERSONS ADDRESSING THE TOWN BOARD AT THIS PUBLIC HEARING:**

**George, Mike**, 372 Seneca Place, spoke to the Town Board on the following matter:  
OPPONENT

- Feels that the plan is basically flawed. Suggests that the Town bring jobs to the area not more homes.

**Przybysz, Paul**, 66 Northwood Drive, spoke to the Town Board on the following matters:  
OPPONENT

- Increase impacts traffic, schools, drainage, flood issues. DEIS is inaccurate & incomplete. Requires SDEIS containing:
  1. Soil study map
  2. 95% site is OVID soils upon which construction should not occur.
  3. New delineation with the Army Corps of Engineers.
  4. Earth Dimensions did Town of Amherst soil studies & wetland delineations.
- Town violates SEQR process.

**Symer, Donald**, 610 Columbia Avenue, spoke to the Town Board on the following matters:  
OPPONENT

- People are not being served; it will depress housing market in Lancaster.
- Adverse impacts - flooding, infrastructure, school population.
- Deny rezone.

**O'Neill, Michael**, 14 Woodgate Drive, spoke to the Town Board on the following matter:  
PROPONENT

- Wants nice homes built in Lancaster.

**Murty, Brian**, 13 Traceway, spoke to the Town Board on the following matters:  
OPPONENT

- Does not want the same mistakes made as in Amherst.
- Wetlands concerns.
- Concerns about the clearing of the vegetation.
- Flooding concerns.
- Negative impact on school system.

**Colby, Jeremy**, 9 Broadmoor Court, spoke to the Town Board on the following matters (read OPPONENT prepared statement of David Mansell):

- Concerns about RCO portion which will abut seven (7) residences.
- Irresponsible to place apartment buildings next to Lancaster High School.

**Mazurowski, John**, 11 Stephens Court, spoke to the Town Board on the following matter: QUESTIONS

- Are there plans to make Pleasant View Drive a five (5) lane highway.

**Kubicki, Gloria**, 15 Maple Drive, spoke to the Town Board on the following matters: OPPONENT

- Traffic concerns on Pleasant View Drive & Harris Hill Road..
- Drainage & water concerns.

**Gull, Hank**, 710 Pavement Road, spoke to the Town Board on the following matter: OPPONENT

- Questioned the total acreage of wetlands contained on project site. Response from Don Owens of Earth Dimensions is 36.77 acres Federal Land and 30.08 State land; these areas overlap.

**Colby, Jeremy**, 9 Broadmoor Court, spoke to the Town Board on the following matters: OPPONENT

- Advised Town Board to consider purpose of zoning.
- Should not change zoning.
- Public Hearing is premature.
- Soil boring should be done to determine type of soil.
- Asked if the apartments are going to be subsidized.

**Nagowski, Brook**, 108 Newberry Lane, spoke to the Town Board on the following matter: OPPONENT

- Stated that her yard is under water.

**Hojczyk, Bill**, 106 Newberry Lane, spoke to the Town Board on the following matter(s): OPPONENT

- Stated that his yard is under water and submitted photos to Town Clerk for file.

**Brett, Jim**, 659 Harris Hill Road, spoke to the Town Board on the following matters: OPPONENT

- Questions about storm water management plan.
- Traffic concerns.
- Water pressure concerns.

**Smith, Shirley**, 20 Pheasant Run Lane, spoke to the Town Board on the following matter: OPPONENT

- Traffic generated by apartment dwellers.

**Neumaier, Kevin**, 340 Pleasant View Drive, spoke to the Town Board on the following matter: OPPONENT

- In his opinion the design is flawed.

**Bialy, Allen**, 4 Trentwood Trail, spoke to the Town Board on the following matter:  
OPPONENT

- Problems with Marrano Marc Equity Corp and with the project in general.

**Fisher, Matt**, 100 Stony Road, spoke to the Town Board on the following matter:  
PROPONENT

- In favor of development.

**Sienkiewicz, Karen**, 104 Newberry Lane, spoke to the Town Board on the following matter:  
OPPONENT

- Opposed to the development.

**Fiorello, Chris**, 75 Newberry Lane, spoke to the Town Board on the following matter:  
OPPONENT

- School crowding.
- Why build an apartment building next to a school?

**Szefel, Joe**, 49 Trentwood Trail, spoke to the Town Board on the following matters:  
OPPONENT

- Water pressure.
- Drainage concerns.

In answer to the questions of the public, Jeff Palumbo stated that the apartments will not be subsidized and a Supplemental Draft Environmental Impact Statement will be submitted. Don Owens stated that compressible clays are not in this area; mostly glacial till. He stated that Earth Dimensions did not prepare wetlands delineations of NEC Transit/William LLC.

ON MOTION BY COUNCIL MEMBER STEMPIAK, AND SECONDED  
BY COUNCIL MEMBER RUFFINO, FOR ADJOURNMENT OF THE PUBLIC  
HEARING, on roll, which resulted as follows:

COUNCIL MEMBER MONTGOMERY	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

The Public Hearing was adjourned at 10:15 P.M.

The Supervisor informed those present that the Town Board would reserve decision on this matter.

March 17, 2003

**PRESENTATION OF PREFILED RESOLUTIONS BY COUNCIL MEMBERS:**

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER STEMPIAK, TO WIT:

**RESOLVED**, that the minutes of the Regular Meeting of the Town Board held  
March 3, 2003 be and are hereby approved.

The question of the adoption of the foregoing resolution was duly put to a vote on  
roll call which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

March 17, 2003

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER MONTOUR, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER RUFFINO, TO WIT:

**WHEREAS**, the Executive Director of the Youth Bureau, by letter dated March 6, 2003, has recommended the appointment of an individual to the position of Tutor with the Youth Bureau of the Town of Lancaster.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the following individual is hereby appointed to the position of Tutor in the Town of Lancaster Youth Bureau, effective March 17, 2003, and that this appointment, being a part time position, provides no health insurance, sick days, vacation or other fringe benefits not specifically mandated for part time employees:

<u>NAME</u>	<u>RATE</u>
Kelly Warrington 381 Harding Road Williamsville, New York 14221	\$15.00 hr.

**BE IT FURTHER**

**RESOLVED**, that the Supervisor of the Town of Lancaster take the necessary action with the Personnel Officer of the County of Erie to accomplish the foregoing.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

March 17, 2003

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER RUFFINO, TO WIT:

**WHEREAS**, the Twin District Volunteer Fire Company, Inc., by letter dated March 11, 2003, has requested the addition of additional members to the membership roster of said fire association.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Town Board of the Town of Lancaster hereby confirms the additions to the membership of the Twin District Volunteer Fire Company the following individuals:

**ADDITIONS:**

Jeffery Park	James Olesky	Eric Offhaus
5 Devonshire Lane	22 Brunck Road	777 Aurora Street
Lancaster, New York 14086	Lancaster, New York 14086	Lancaster, New York 14086

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

March 17, 2003



THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER MONTOUR, TO WIT:

**WHEREAS**, the Town Board, by resolution dated January 6, 2003, set its regular meeting dates for the year 2003 for the first and third Mondays of each month, and

**WHEREAS**, the second regularly scheduled meeting for the month of April 2003 falls upon Easter Monday, and

**WHEREAS**, an informal canvassing of the members of the Town Board indicates that a quorum may not be present at the regularly scheduled meeting of April 21, 2003, and

**WHEREAS**, an informal canvassing of the members of the Town Board and the departmental support personnel indicates that a quorum may not be present also at the regularly scheduled meeting of May 5, 2003.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the regularly scheduled Town Board meeting of April 21, 2003 be and is hereby canceled and is hereby rescheduled one week later on Monday, April 28, 2003 at 8:00 P.M. at the Town Hall, 21 Central Avenue, Lancaster, New York, and that the regularly scheduled Town Board meeting of May 5, 2003 be and is hereby cancelled and is hereby rescheduled one week later on May 12, 2003 at 8:00 P.M. at the Town Hall, 21 Central Avenue, Lancaster, New York.

**BE IT FURTHER**

**RESOLVED**, that the Town Clerk be and is hereby directed to notify the Buffalo News and the Lancaster Bee of this change in meeting dates.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

March 17, 2003

**PREFILED RESOLUTION NO. 5 - MEETING OF 3/17/03**

Stempniak/ \_\_\_\_\_ Adopt Final Generic Environmental  
Impact Statement Re: Comprehensive Master Plan As  
Complete

At the request of Council Member Stempniak, this resolution was withdrawn for  
further study.

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER STEMPNIAK, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER RUFFINO, TO WIT:

**WHEREAS, Try-It Distributing**, 4155 Walden Avenue, Lancaster, New York, has submitted a Site Plan prepared by Scheid Architectural dated January 10, 2003 and received February 18, 2003 for the expansion of two existing parking areas and the construction of a 3,000 sq. ft. pre-engineered metal building for pallet storage located at 4155 Walden Avenue in the Town of Lancaster, and

**WHEREAS**, the Planning Board reviewed the plan and at its meeting March 5, 2003, recommended approval of this project, and

**WHEREAS**, a SEQR Review of this project was held March 17, 2003 and a Negative Declaration was issued at that time.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Town Board of the Town of Lancaster hereby approves the Site Plan submitted by **Try-It Distributing**, prepared by Scheid Architectural dated January 10, 2003 and received February 18, 2003 for the expansion of two existing parking areas and the construction of a 3,000 sq. ft. pre-engineered metal building for pallet storage located at 4155 Walden Avenue in the Town of Lancaster.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

March 17, 2003

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER RUFFINO, TO WIT:

**WHEREAS**, the Federal Bureau of Justice Assistance, under their Bulletproof Vest Program, is soliciting grant applications from local municipalities for reimbursement for new acquisition of bullet-proof vests for sworn police officers, and

**WHEREAS**, the Town of Lancaster Police Department, is interested in acquiring 20 new duty vests and 4 new tactical vests at an approximate cost of \$18,000, and

**WHEREAS**, the grant will provide up to 50% reimbursement for monies to be expended to purchase these vests, and

**WHEREAS**, all applications must be completed electronically on-line.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Supervisor is hereby authorized to extend authorization to Sue Ann Barnes, our grant writer from Grantmakers Advantage, to complete the grant application on-line to the Federal Bureau of Justice Assistance for this purpose.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

March 17, 2003

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER STEMPIAK, TO WIT:

**WHEREAS,** United States Senator Olympia Snowe and United States Senator Charles Schumer introduced a bi-partisan bill S.201, the State and Local Aid and Economic Stimulus Act of 2003, which will provide \$40 billion in direct Federal Aid to states and localities on a one-time basis, and

**WHEREAS,** according to United States Senators Snow and Schumer, state and local governments across the nation are facing their worst fiscal crisis since World War II; total state budget deficits are estimated to be between \$61 billion and \$90 billion, and the deficits in cities and counties are equally staggering, and

**WHEREAS,** in the Town of Lancaster taxes were raised in order to provide critical services to our residents, and

**WHEREAS,** United States Senate Bill 201 which would provide states and localities with \$40 billion; one half of the funds will go to states and one half of the funds go to cities and other localities based on size and need, and

**WHEREAS,** the Town of Lancaster could benefit from this aid.

**NOW, THEREFORE, BE IT**

**RESOLVED,** that the Lancaster Town Board lend support and urge adoption of United States Senate Bill 201, the State and Local Aid and Economic Stimulus Act of 2003, and urge our representatives in the United States House of Representatives to co-sponsor the bill.

**BE IT FURTHER**

**RESOLVED,** that a copy of this resolution be transmitted to United States Senators Charles Schumer and Hillary Rodham Clinton, and to United States Congressmen Thomas Reynolds, Jack Quinn and Louise Slaughter.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

March 17, 2003

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER STEMPIAK, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER MONTOUR, TO WIT:

**WHEREAS, Lancaster Airport, Inc.,** 10904 Townline Road, Darien Center, New York, has submitted a Site Plan relating to the Buffalo-Lancaster Airport located at 4343 Walden Avenue in the Town of Lancaster, said site plan prepared by Passero Associates, P.C. dated January 2003, and received January 21, 2003 for the reconstruction of runway 8-26 to a length of 3,200 feet and a width of 75 feet, including construction of a new electrical building and installation of new lighting, NAVAIDS, electrical and drainage systems and construction of an approximately 41,000 square foot temporary paved tie-down area, and

**WHEREAS,** the Planning Board reviewed the plan and at its meeting February 5, 2003, recommended approval of this project, and

**WHEREAS,** the Town of Lancaster SEQR Municipal Review Committee (MRC) completed an environmental review of this project on March 17, 2003 and the MRC issued a Negative Declaration at that time.

**NOW, THEREFORE, BE IT**

**RESOLVED,** that the Town Board of the Town of Lancaster hereby approves the Site Plan submitted by **Lancaster Airport, Inc.,** prepared by Passero Associates, P.C. dated January 2003, and received January 21, 2003 for the reconstruction of runway 8-26 to a length of 3,200 feet and a width of 75 feet, including construction of a new electrical building and installation of new lighting, NAVAIDS, electrical and drainage systems and construction of an approximately 41,000 square foot temporary paved tie-down area located at the Buffalo-Lancaster Airport, 4343 Walden Avenue, in the Town of Lancaster.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

March 17, 2003

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER STEMPIAK , WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER MONTGOMERY, TO WIT:

**WHEREAS, Bowmansville Volunteer Fire Association**, 36 Main Street, Bowmansville, New York, has submitted a Site Plan prepared by DeanSutton Architects dated February 4, 2003 and received February 6, 2003 for the construction of a new 7,400 sq. ft. fire station with four truck bays, gear room, day room and accessory use spaces located at Seitz Avenue in the Town of Lancaster, and

**WHEREAS**, the Planning Board reviewed the plan and at its meeting March 5, 2003, recommended approval of this project, and

**WHEREAS**, a SEQR Review of this project was held March 17, 2003 and a negative declaration was issued at that time.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Town Board of the Town of Lancaster hereby approves the Site Plan submitted by **Bowmansville Volunteer Fire Association**, prepared by DeanSutton Architects dated February 4, 2003 and received February 6, 2003 for the construction of a new 7,400 sq. ft. fire station with four truck bays, gear room, day room and accessory use spaces located at Seitz Avenue in the Town of Lancaster contingent on the approval of the drainage plans by the Town Engineer.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER MONTGOMERY	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

March 17, 2003

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER RUFFINO, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER STEMPIAK, TO WIT:

**WHEREAS**, the Town Board of the Town of Lancaster, acting on behalf of the Fire Protection District of the Town of Lancaster has heretofore contracted with Water District No. 1 of the Town of Elma for a supply of water and for the furnishing, erection, maintenance, care and replacement of fire hydrants within the boundaries of the Town of Elma along the southerly line of Hall Road, between Bowen Road and Ransom Road, and which Contract expires March 31, 2003, and

**WHEREAS**, such Contract eliminates the need for the Town of Lancaster Fire Protection District to provide fire hydrants on the north side of Hall Road in the Town of Lancaster, thereby resulting in a saving to the taxpayers of the Town of Lancaster, and

**WHEREAS**, the Town Board of the Town of Lancaster deems it in the public interest to renew said Contract.

**NOW, THEREFORE, BE IT**

**RESOLVED**, as follows:

1. That the Town Board of the Town of Lancaster, acting on behalf of the Fire Protection District of the Town of Lancaster, Erie County, New York, shall hold a public hearing on the question of the execution of a contract between the said Fire Protection District of the Town of Lancaster and Water District No. 1 of the Town of Elma, in accordance with the provisions of Section 184-a of the Town Law of the State of New York, upon the following terms and conditions and such terms and conditions as the Town Boards of the Towns of Lancaster and Elma shall deem appropriate:

- a) The Contract shall be for a supply of water for fire purposes and for the furnishing, erection, maintenance, care and replacement of fire hydrants within the boundaries of the Town of Elma along the southerly line of Hall Road between Bowen Road and Ransom Road, including the erection and maintenance of markers therefor, for a period of five (5) years, provided, however, that either party may terminate this Agreement upon thirty (30) days' written notice, each to the other;
- b) The contract shall provide for payment by the Fire Protection District of the Town of Lancaster to Water District No.1 of the Town of Elma, the sum of \$140.00 per hydrant per year for a total of fourteen (14) hydrants along the southerly line of Hall Road between Bowen Road and Ransom Road, for a period of five (5) years, commencing April 1, 2003 and terminating March 31, 2008; and



- c) The contract shall further provide that Water District No. 1 of the Town of Elma shall install additional hydrant or hydrants as future construction shall require. If such hydrants shall benefit the Town of Lancaster, rental for same to be paid in accordance with Paragraph (b).

2. That said Public Hearing shall be held at the Town Hall, 21 Central Avenue, Lancaster, New York, on the 7th day of April, 2003 at 8:30 o'clock P.M., Local Time, at which time all citizens or parties in interest may be heard upon the said proposed Contract.

3. That the Town Clerk of the Town of Lancaster be directed to publish a Notice of such hearing in the Lancaster Bee and post a copy of the Notice of said Public Hearing on the Town Bulletin Board, said Notice shall be in the form attached hereto and made a part hereof.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

March 17, 2003

**LEGAL NOTICE**  
**PUBLIC HEARING**  
**TOWN OF LANCASTER**  
**FIRE PROTECTION DISTRICT**

**NOTICE IS HEREBY GIVEN** that a Public Hearing will be held by the Town Board of the Town of Lancaster at the Town Hall, 21 Central Avenue, Lancaster, New York, at 8:30 o'clock P.M. , Local Time, on the 7th day of April, 2003, upon a proposed contract between the Fire Protection District of the Town of Lancaster and Water District No. 1 of the Town of Elma, in accordance with the provisions of Section 184-a of the Town Law of the State of New York, upon the following terms and conditions and such terms and conditions as the Town Boards of the Town of Lancaster and Town of Elma deem appropriate:

- a)** The Contract shall be for a supply of water for fire purposes and for the furnishing, erection, maintenance, care and replacement of fire hydrants within the boundaries of the Town of Elma along the southerly line of Hall Road between Bowen Road and Ransom Road, including the erection and maintenance of markers therefor, for a period of five (5) years, provided, however, that either party may terminate this Agreement upon thirty (30) days' written notice each to the other.
- b)** The Contract shall provide for payment by the Fire Protection District of the Town of Lancaster to Water District No. 1 of the Town of Elma, the sum of \$140.00 per hydrant per year for a total of fourteen (14) hydrants along the southerly line of Hall Road between Bowen Road and Ransom Road, for a period of five (5) years, commencing April 1, 2003 and terminating March 31, 2008.
- c)** The Contract shall further provide that Water District No. 1 of the Town of Elma shall install additional hydrant or hydrants as future construction shall require, rental for same to be paid in accordance with Paragraph (b).

Full opportunity to be heard will be given to any and all citizens and all parties in interest.

**BY ORDER OF THE                      TOWN BOARD OF THE**  
**TOWN OF LANCASTER**

**By: JOHANNA M. COLEMAN**  
**Town Clerk**

March 17, 2003

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER RUFFINO, TO WIT:

**WHEREAS**, the Town Board of the Town of Lancaster, on February 10, 2003, approved a Municipal Cooperation Agreement between the Village of Lancaster, New York and the Town of Lancaster, New York for the transfer of Police Functions from the Village of Lancaster to the Town of Lancaster and for the establishment of a Police Fund to provide revenues for the Town Police Department upon said transfer, and

**WHEREAS**, the Town Board, in paragraph 12 of the agreement, agreed to create a special revenue fund entitled “Police Fund” for the benefit area to be the entire Town, excluding the Village of Depew, and to have said fund in place no later than March 31, 2003, and

**WHEREAS**, the Town Board wishes to adopt a budget for the new Police Fund and also modify the 2003 Adopted Budget for the Town of Lancaster as necessary as a result of the terms of the agreement.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Town Board of the Town of Lancaster hereby establishes a special revenue fund entitled “Police Fund” for the benefit area to be the entire Town, excluding the Village of Depew, effective March 31, 2003.

**BE IT FURTHER**

**RESOLVED**, that the Town Board adopts the following Police Fund budget for the period March 31, 2003 through December 31, 2003:



THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER STEMPIAK, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER RUFFINO, TO WIT:

**WHEREAS**, the Town Board of the Town of Lancaster held a joint hearing with the Village Board of the Village of Depew pursuant to Section 705 of the General Municipal Law regarding the proposed annexation of approximately seven acres which lies in the Town of Lancaster by the Village of Depew, and

**WHEREAS**, said hearing took place on January 21, 2003 at which time the public was given an opportunity to make comments to the governing bodies being the Town of Lancaster Town Board and the Village of Depew Board of Trustees, and

**WHEREAS**, after due review and consideration the Town Board of the Town of Lancaster has deemed that the petition submitted is in compliance with the provisions of Article 17 of the General Municipal Law and further has determined that after considering the area proposed to be annexed, and, hearing the public comments in the proposed annexation the Town Board deems it in the overall public interest to oppose and deny the annexation as petitioned for making the following findings:

- (1) The area proposed for annexation is undeveloped.
- (2) The reason for the annexation is to permit the development of the property.
- (3) The interests of adjoining property owners in the Town of Lancaster must be considered in the proposed annexation and there is no compelling reason presented for the Town to give up this area of the Town of Lancaster to the Village of Depew.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Town Board of the Town of Lancaster hereby denies the petition for annexation as it is not in the overall public interest to approve such proposed annexation, and

**BE IT FURTHER**

**RESOLVED**, that the Town Board directs the Town Clerk of the Town of Lancaster to file a written order signed by the Town Board containing its determination as set forth in this resolution with the office of the Town Clerk of the Town of Lancaster and with the office of the Village Clerk/Treasurer of the Village of Depew.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

March 17, 2003

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER MONTOUR, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER STEMPNIAK, TO WIT:

**WHEREAS**, the Town Board of the Town of Lancaster advertised for public bids for reconstruction work at the Keysa Park pool house, and

**WHEREAS**, one bid was received at the bid opening on March 12, 2003, said bid being significantly higher than the Town Engineer’s estimate for the cost of reconstructing the roof on the beforementioned pool house, and

**WHEREAS**, the Town Board deems it appropriate at this time to reject the bid received and to readvertise for bids for this project.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the bid received on the above referenced invitation to bid for the Keysa Park pool house roof is hereby rejected.

The question of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
COUNCIL MEMBER GIZA	VOTED YES

March 17, 2003

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER MONTOUR, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER RUFFINO, TO WIT:

**WHEREAS**, General Crew Chief Terrance McCracken in the Department of Recreation and Forestry has requested that the Town Board authorize an invitation to bid for the rehabilitation of the Keysa Park Town Pool involving roofing and mechanical changes in the building using funds from a grant obtained from the State of New York, and

**WHEREAS**, the Town Board has given due review and consideration to the request and deems it in the public interest to invite public bid.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Town Board of the Town of Lancaster hereby invites public bid for the renovation of the building at the Keysa Park Town Pool involving the roof and mechanical changes using funds obtained through a grant from the State of New York, said bids to be in conformance with the specifications attached hereto and to be received in the office of the Town Clerk, 21 Central Avenue, Lancaster, New York, no later than 10:00 A.M. Local Time on March 31, 2003 and opened thereafter.

The question of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
COUNCIL MEMBER GIZA	VOTED YES

March 17, 2003

**LEGAL NOTICE  
TOWN OF LANCASTER  
NOTICE TO BIDDERS**

**NOTICE IS HEREBY GIVEN** that sealed bids and/or proposals will be received by the Town Clerk of the Town of Lancaster, Erie County, New York, at the Town Hall, 21 Central Avenue, Lancaster, New York, up to 10:00 A.M., Local Time, on the 31<sup>th</sup> day of March 2003, for furnishing to the Recreation and Forestry Department of the Town of Lancaster, New York, rehabilitation to the Keysa Park Town Pool for use by the Town of Lancaster, in accordance with specifications on file in the Town Clerk's Office, 21 Central Avenue, Lancaster, New York.

A certified check or bid bond in the amount of One Thousand Dollars (\$1,000.00) payable to the Supervisor of the Town of Lancaster and a Non-Collusive Bidding Certificate must accompany each bid.

The Town reserves the right to reject any or all bids and to waive any informalities.

**TOWN BOARD OF THE  
TOWN OF LANCASTER**

**BY: JOHANNA M. COLEMAN  
Town Clerk**

March 17, 2003



THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER RUFFINO, TO WIT:

**WHEREAS**, the Town Board of the Town of Lancaster, on February 10, 2003, approved a Municipal Cooperation Agreement between the Village of Lancaster, New York and the Town of Lancaster, New York for the transfer of Police Functions from the Village of Lancaster to the Town of Lancaster and for the transfer of Village of Lancaster Police Officers, Public Safety Dispatchers and Clerical Personnel to Town of Lancaster, and

**WHEREAS**, the Supervisor of the Town of Lancaster by letter dated March 13, 2003 has requested such transfers.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the following transfer of personnel from the Police Department of the Village of Lancaster to the Town of Lancaster Police Department, effective March 31, 2003 be and are hereby approved with the salary and benefits as set forth in the current Town of Lancaster Police Benevolent Association contract:

Airey, DonaldR.	Police Lieutenant	\$63,965.00/annually
Carroll, William R.	Police Lieutenant	63,965.00/annually
Carvelli, Michael J.	Police Officer	54,738.00/annually
Formato, James J.	Police Officer	54,738.00/annually
Horn, Dale R.	Police Officer	54,738.00/annually
Laurienzo, Marco A.	Police Officer	54,738.00/annually
Nigro, Charles J., Jr.	Police Officer	54,738.00/annually
Richards, Todd J.	Police Officer	54,738.00/annually
Rinow, Daniel E.	Police Detective (temp)	58,238.00/annually
Roessler, Charles H.	Police Officer	54,738.00/annually
Stoldt, Gary F., Jr.	Police Officer	54,738.00/annually
Sugg, James F.	Police Lieutenant	63,965.00/annually
VanSplunder, Jeffrey M.	Police Detective (temp)	58,238.00/annually
Williams, Emery H.	Police Officer	54,738.00/annually

**BE IT FURTHER**

**RESOLVED**, that the following transfer of personnel from the Village of Lancaster Police Department to the Town of Lancaster Police Department, effective March 31, 2003 be and are hereby approved with the salary and benefits as set forth in the current Town of Lancaster Dispatcher Employee Association contract:

Burns, Kathleen M.	Public Safety Dispatcher	\$36,009.00/annually
McGloin, Patricia	Public Safety Dispatcher	36,009.00/annually
Pawlikowski, Jean M.	Public Safety Dispatcher	36,009.00/annually

**BE IT FURTHER**

**RESOLVED**, that the following transfer of personnel from the Village of Lancaster Police Department to the Town of Lancaster Police Department be and are hereby approved, effective March 31, 2003 with the salary and benefits as set forth in the current Town of Lancaster CSEA White Collar contract:

Kostecky, Patricia L.	Clerk Typist	\$32,381.00/annuall
Plewik, Karen J.	Clerk Stenographer	36,762.00/annually

**BE IT FURTHER**

**RESOLVED**, that the Supervisor of the Town of Lancaster take the necessary action with the Personnel Officer of the County of Erie to accomplish the foregoing.

The question of the adoption of the following resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

March 17, 2003

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO MOVED ITS  
ADOPTION, SECONDED BY COUNCIL  
MEMBER MONTOUR, TO WIT:

**RESOLVED**, that the following Audited Claims be and are hereby ordered paid  
from their respective accounts as per abstract to be filed in the Office of the Town Clerk by the  
Director of Administration and Finance, to wit:

Claim No. 1129 to Claim No. 1399 Inclusive

Total amount hereby authorized to be paid: \$264,502.51

The question of the foregoing resolution was duly put to a vote on roll call  
which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

March 17, 2003

File: Relaims

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER STEMPNIAK, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER MONTOUR, TO WIT:

**RESOLVED** that the following Building Permit applications be and are hereby reaffirmed:

**CODES:**

(SW) = Sidewalks as required by Chapter 12\_1B. of the Code of the Town Lancaster are waived for this permit.

(CSW) = Conditional sidewalk waiver.

(V/L) = Village of Lancaster

**NEW PERMITS:**

10209	Lovejoy Builders Inc	21 Ann Marie Dr	Er. Dwlg._Sin.	
10210	Gallagher, Albert	27 St John St	Er. Res. Alt.	(V/L)
10211	Albert V. Randaccio	42 Sussex Ln	Er. Dwlg._Sin.	
10212	Day Nite Signs	4757 Transit Rd	Er. Sign_Wall	
10213	RJF Development Inc	10 Creekwood Dr	Er. Dwlg._Sin.	
10214	RJF Development Inc	18 Creekwood Dr	Er. Dwlg._Sin.	
10215	RJF Development Inc	13 Creekwood Dr	Er. Dwlg._Sin.	
10216	RJF Development Inc	20 Creekwood Dr	Er. Dwlg._Sin.	
10218	Desbro Inc	5827 Broadway	Er. Comm. Alt.	
10219	Smith, Dean	170 Cemetery Rd	Er. Res. Alt.	
10220 SW	Donato Developers Inc	5172 William St	Er. Dwlg._Sin.	
10221	Penske Truck Leasing	5873 Genesee St	Inst. Tank	
10222	Flexlume Sign Co	5386 Broadway	Er. Sign	(V/L)
10223 SW	Rosati Builders Inc	1095 Ransom Rd	Er. Dwlg._Sin.	
10224	Patio Enclosures Inc	10 Nottingham Ln	Er. Res. Alt.	
10225	Custom Patio Rooms	67S Irwinwood Rd	Er. Res. Add.	(V/L)
10226	Empire Forster Sign	4779 Transit Rd	Er. Sign_Wall	
10227	Marrano/Marc Equity	23 Apple Blossom Blvd	Er. Dwlg._Sin.	
10228	Duro Shed Inc	117 Harvey Dr	Er. Shed	(V/L)

**BE IT FURTHER**

**RESOLVED**, that the Building Permit Applications herein coded (SW) for sidewalk waiver be and are hereby reaffirmed with a waiver of the Town Ordinance requirement for sidewalks, and

**BE IT FURTHER**

**RESOLVED**, that the Building Permit Applications herein coded (CSW) for conditional sidewalk waiver be and are hereby reaffirmed with a waiver of the Town Ordinance required for sidewalks, however, the waiver is granted upon the expressed condition that the Town of Lancaster, at any future date, reserves the right to order sidewalk installation at the expense of the property owner.

The question of the adoption of the following resolution was duly put to a vote on roll call which resulted as follows

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

March 17, 2003

File: Rbldg2



**SUSPENDED RESOLUTIONS:**

Supervisor Giza requested a suspension of the necessary rules for immediate consideration of the following four (4) resolutions:

Council Member Stempniak moved to suspend the necessary rules for immediate consideration of the following four (4) resolutions, seconded by Council Member Montour, on roll call, which resulted as follows

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

**SUSPENSION GRANTED**

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER STEMPNIAK, TO WIT:

**WHEREAS**, the Town of Lancaster and the collective bargaining unit representing the Town of Lancaster Police Department have recently entered into a two year contract extension, and

**WHEREAS**, certain police officers have a benefit in the nature of health insurance upon retirement by prior contract, and

**WHEREAS**, the Agreement requires that the Town Board adopt a resolution setting forth the continuation of health insurance upon retirement to those officers in the police department who were receiving this benefit at the time the contract extension was entered into.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Town Board of the Town of Lancaster hereby affirms that those members of the Town of Lancaster Police Department who had as a contract benefit health insurance after retirement shall continue to have this benefit in the future.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT

SUPERVISOR GIZA

VOTED YES

March 17, 2003

File: rpbacontract303

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER MONTOUR, TO WIT:

**WHEREAS**, the Town of Lancaster is in the process of consolidating the Village of Lancaster Police Department into the Town of Lancaster Police Department by agreement between the Town of Lancaster and the Village of Lancaster, and

**WHEREAS**, the Village of Depew is not a party to the consolidation and will maintain its own separate police department, and

**WHEREAS**, the Town Board of the Town of Lancaster deems it appropriate to clarify by agreement the fact that the property owners in the Village of Depew will not be subject to taxation for police services from the Town of Lancaster with the exception of any agreement between the Town and the Village for specific services and also excepting the obligation of all taxpayers within the Town of Lancaster regarding public buildings owned by the Town of Lancaster.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Town Board of the Town of Lancaster hereby authorizes the Supervisor of the Town of Lancaster to enter into an agreement on behalf of the Town of Lancaster with the Village of Depew which shall set forth that Village of Depew property owners do not have a tax obligation regarding police services in the Town of Lancaster Police Department except as the Town and Village shall agree for specific services or as is otherwise provided by law.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

March 17, 2003



THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER STEMPNIAK, TO WIT:

**WHEREAS**, the NYS legislature has adopted enabling legislation under Section 466-C of the Real Property Tax Law to permit qualifying volunteer firefighters a partial exemption from real property taxes, and

**WHEREAS**, the Town Board has given due consideration to the exemption now authorized by law and deems it appropriate to cause the required public hearing which is necessary before the enactment of a local resolution to provide for such partial exemption.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Town Board of the Town of Lancaster hereby schedules a public hearing to take place on April 7, 2003 at 8:35 P.M. for the purpose of considering the partial exemption of the residence of volunteer firefighters who qualify for such exemption, said exemption to equal 10 per cent (10%) of the assessed value of the property to a maximum of \$3,000 multiplied by the latest state equalization rate for the Town of Lancaster as provided in Section 466-C of the Real Property Tax Law.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

March 17, 2003

File: rtaxexemptionfiremen303

**LEGAL NOTICE  
PUBLIC HEARING  
TOWN OF LANCASTER**

**NOTICE IS HEREBY GIVEN**, that pursuant to Section 466-C of the Real Property Tax Law and pursuant to a resolution of the Town Board of the Town of Lancaster, adopted on the 17<sup>th</sup> day of March, 2003 said Town Board will hold a Public Hearing on the 7<sup>th</sup> day of April, 2003 at 8:35 o'clock P.M., Local Time, at the Town Hall, 21 Central Avenue, Lancaster, New York, upon the resolution authorizing a partial exemption from real property taxation for Volunteer Firemen, such partial exemption to equal 10 percent of the assessed value of the property to a maximum of \$3,000 multiplied by the latest state equalization rate for the Town of Lancaster.

Full opportunity to be heard will be given to any and all citizens and all parties in interest.

**TOWN BOARD OF THE  
TOWN OF LANCASTER**

**BY:       JOHANNA M. COLEMAN**  
**Town Clerk**

March 17, 2003

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER MONTOUR, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER STEMPIAK, TO WIT:

**WHEREAS**, the Chief of Police of the Town of Lancaster has  
recommended certain promotions to fill the following positions:

1. A vacancy to the position of Police Captain resulting from the retirement of Police Captain Anthony Suchyna.
2. A vacancy to the position of Police Lieutenant resulting from the pending promotion of Police Lieutenant Timothy Murphy.

**NOW, THEREFORE, BE IT  
RESOLVED**, as follows:

1. That Timothy Murphy, 478 Lake Avenue, Lancaster, New York be and is hereby appointed Captain in the Town of Lancaster Police Department, effective March 18, 2003, at the starting salary of \$68,536 for the 1<sup>st</sup> half of probationary period from 3/18/03-9/17/03 and \$70,821 for the 2<sup>nd</sup> half of the probationary period from 9/18/03-12/31/03 in accordance with the Police Benevolent Association Contract.
2. That Erin Myers, 66 Creekwood Drive, Lancaster, New York be and is hereby appointed Lieutenant in the Town of Lancaster Police Department, effective March 18, 2003, at the starting salary of \$59,352 for the 1<sup>st</sup> half of probationary period from 3/18/03-9/17/03 and \$61,659 for the 2<sup>nd</sup> half of the probationary period from 9/18/03-12/31/03 in accordance with the Police Benevolent Association Contract.

3. That the salaries for these positions are set forth as in the current Police Benevolent Association Contract with the Town of Lancaster.

**BE IT FURTHER**

**RESOLVED**, that the Supervisor of the Town of Lancaster take the necessary action with the Personnel Officer of the County of Erie to accomplish the foregoing.

The question of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

March 17, 2003

**COMMUNICATIONS & REPORTS:**

126. Adelpia to Town Board -  
Notification of Adult Programming Changes. DISPOSITION = Received & Filed
127. Town Engineer to Town Board -  
Request resolution for Supervisor to sign and submit "Notice of Intent" regarding storm water discharge permit. DISPOSITION = Resolution 3/17/03
128. Safety Director to Town Board -  
Transmittal of minutes of Safety Steering Committee meeting held February 19, 2003. DISPOSITION = Received & Filed
129. Town Clerk to Town Board -  
Transmittal of first settlement of the 2003 Town/County Tax collection. DISPOSITION = Received & Filed
130. Glenn Buczkowski to Town Clerk -  
Letter of commendation concerning Elizabeth Stock. DISPOSITION = Received & Filed
131. NYS DEC to Town Attorney -  
Notification of Lead Agency Designation to the Town of Lancaster regarding the Buffalo-Lancaster Airport; concerns noted. DISPOSITION = Resolution 3/17/03
132. Town Clerk to Town Board -  
Transmittal of monthly report for February 2003. DISPOSITION = Received & Filed
133. Paul Tokasz, Majority Leader, NYS Assembly to Town Clerk -  
Letter acknowledging receipt of resolution adopted January 21, 2003 regarding the DECAL program. DISPOSITION = Received & Filed

134. Town Attorney to Town Board, Planning Board, Town Clerk, Building Inspector, Town Engineer -  
Notice of SEQR meeting March 17, 2003 at 6:30 PM regarding Buffalo-Lancaster Airport, Bowmansville Volunteer Fire Association, & Try-It Distributing Co. DISPOSITION = Received & Filed
135. Town Clerk to Various News Media -  
Notice to media of SEQR meeting, March 17, 2003 at 6:30 PM to review site plans applications of Buffalo-Lancaster Airport, Bowmansville Volunteer Fire Association, & Try-It Distributing Co. DISPOSITION = Received & Filed
136. Buffalo City Clerk's Office to Town Board -  
Transmittal of resolution adopted February 18, 2003 regarding the Outer Harbor. DISPOSITION = Received & Filed
137. Greater Buffalo-Niagara Regional Transportation Council to Town Board -  
Notice of meeting to be held on March 12, 2003 at 9:30 AM. DISPOSITION = Received & Filed
138. NYS DOT to Supervisor -  
Transmittal of newsletter regarding proposed reconstruction of Transit Road and notification of informational meeting held on March 10, 2003. DISPOSITION = Received & Filed
139. Director of Administration & Finance to Town Board -  
Letter regarding revised NYS Retirement System Contributions for 2003. DISPOSITION = Received & Filed
140. Erie County Department of Public Works to Supervisor -  
Notice of pre-letting meeting regarding replacement of Hall Road Bridge. DISPOSITION = Received & Filed
141. Erie County Dept. of Environment & Planning to Planning Board Chairman -  
Notification of Lead Agency Designation to the Town of Lancaster regarding the proposed Pleasant Heights Subdivision; recommendations and comments noted. DISPOSITION = Received & Filed
142. Village of Lancaster to Town Board -  
Official minutes of meeting held February 24, 2003. DISPOSITION = Received & Filed
143. Ahold USA, Inc. to Town Board -  
Letter regarding accounting irregularities of Royal Ahold. DISPOSITION = Received & Filed
144. Erie County Division of Purchase to Town Clerk -  
Letter regarding feasibility of establishing a countywide purchasing cooperative. DISPOSITION = Received & Filed
145. Executive Director, Youth Bureau to Supervisor -  
Request appointment of Kelly Warrington as part time tutor. DISPOSITION = Resolution 3/17/03
146. Erie County Dept. of Environment & Planning to Planning Board Chairman -  
Recommendations and comments regarding SEQR Site Plan Review for proposed Pleasant Heights Subdivision. DISPOSITION = Planning Committee
147. Erie County Dept. of Environment & Planning to Planning Board Chairman -  
Letter regarding Site Plan Review of Try-It Distributing Company. DISPOSITION = Planning Committee

148. NYS DEC to Town Board -  
Transmittal of update of remedial activities regarding Pfohl Brothers Landfill.  
DISPOSITION = Received & Filed
149. Planning Board to Town Board -  
Recommendation to approve site plan for Try-It Distributing Company, 4155  
Walden Avenue. DISPOSITION = Resolution 3/17/03
150. Planning Board to Town Board -  
Recommendation to approve Summerfield Farms Subdivision Phase III  
Preliminary Plat with conditions. DISPOSITION = Planning Committee
151. Planning Board to Town Board -  
Recommendation to approve Cross Creek Subdivision Sketch Plan with  
conditions. DISPOSITION = Planning Committee
152. Planning Board to Town Board -  
Recommendation to approve site plan for Bowmansville Fire Station, Seitz  
Avenue with conditions. DISPOSITION = Resolution 3/17/03
153. Planning Board Chairman to Planning Board Members, Town Board, Town  
Engineer, Town Attorney, Building Inspector -  
Draft copy of Planning Board minutes of meeting held March 5, 2003.  
DISPOSITION = Received & Filed
154. Adelphia to Town Board -  
Notification of Franchise Fee Changes. DISPOSITION = Town Attorney
155. Supervisor, Town of Amherst to Town Supervisors and City Mayors -  
Transmittal of resolution adopted by Town of Amherst regarding Senator  
Schumer/ Senator Snowe's economic stimulus plan. DISPOSITION =  
Resolution 3/17/03
156. Erie County Dept. of Environment & Planning to Building Inspector -  
Transmittal of Site Plan Determination with no recommendation regarding  
Bowmansville Fire Station, Seitz Avenue. DISPOSITION = Received & Filed
157. Twin District Fire Company to Town Board -  
Request change in roster. DISPOSITION = Resolution 3/17/03
158. Emergency Management/Safety Coordinator to County Legislator Larson -  
Request financial assistance for the purchase of computer equipment.  
DISPOSITION = Received & Filed
159. Village of Lancaster Special Events Director to Supervisor -  
Letter of appreciation to Town for sponsorship of 2003 Special Events.  
DISPOSITION = Received & Filed
160. NYS Executive Department to Supervisor -  
Letter regarding proposed pension reforms. DISPOSITION = Received &  
Filed
161. Rebecca J. Anderson to Supervisor -  
Request for reduced speed limit on Lake Avenue south of William Street.  
DISPOSITION = Public Safety Committee
162. Supervisor to United States Senators Grassley and Baucus -  
Letter regarding State and Local Aid and Economic Stimulus Act of 2003.  
DISPOSITION = Resolution 3/17/03
163. Association of Erie County Governments to Town Board -  
Notice of meeting to be held March 27, 2003 at 6:30 PM. DISPOSITION =  
Received & Filed

164. Erie County Department of Public Works to Town Board -  
Notification of closure of William Street from Transit Road to Aurora Street  
and Penora Street from Como Park Blvd. to William Street for water line  
improvements. DISPOSITION = Received & Filed

**ADJOURNMENT:**

ON MOTION OF COUNCIL MEMBER STEMPIAK AND  
SECONDED BY COUNCIL MEMBER RUFFINO FOR ADJOURNMENT OF THE  
MEETING, by voice vote, which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

The meeting was adjourned at 10:51 P.M.

Signed \_\_\_\_\_  
Johanna M. Coleman, Town Clerk